

ADMINISTRATIVE PANEL DECISION

Tyco International Services GmbH v. Lin Zang aka Lin Cang 林藏
Case No. D2024-3672

1. The Parties

The Complainant is Tyco International Services GmbH, Switzerland, represented by Neal & McDevitt, United States of America.

The Respondent is Lin Zang aka Lin Cang 林藏, China .

2. The Domain Name and Registrar

The disputed domain name <teconnectivity.life> is registered with Name.com, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 10, 2024. On September 11, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 12, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 13, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on September 16, 2024.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on September 18, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 8, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 9, 2024.

The Center appointed Alan L. Limbury as the sole panelist in this matter on October 14, 2024. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant, Tyco International Services GmbH, is a global technology company that designs and manufactures products including connectors, sensors, relays, contactors and application tooling of all types for several industries, such as automotive, industrial equipment, data communication systems, aerospace, defence, medical, oil and gas, consumer electronics and energy. Since at least 2011, the Complainant, through its family of companies, has used the TE CONNECTIVITY trademarks in connection with its goods and services.

The Complainant is the registrant of numerous TE CONNECTIVITY and related design marks in various jurisdictions throughout the world, including with the United States Patent and Trademark Office, e.g. TE CONNECTIVITY (word mark), Reg. Nos. 4,492,905 and 4,538,111, registered respectively on March 11, 2014 and May 27, 2014, and Ξ TE CONNECTIVITY (design mark), Reg. No. 4,441,538, registered on November 26, 2013, in each case for a wide range of machines and tools in International Classes 7, 8, 9, 17, 37 and 38.

The Complainant claims common law rights in the TE CONNECTIVITY marks since 2011. Its exclusive licensee operates the websites at “www.teconnectivity.com” and “www.teconnectivity.org”.

The disputed domain name was registered on September 26, 2023. According to the Complaint, it initially resolved to a website prominently displaying the Complainant’s Ξ TE CONNECTIVITY design mark and seeking Internet users’ personal information. It currently resolves to a parking website with pay-per-click links to products identical to and/or competitive with those of the Complainant.

5. Parties’ Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that the disputed domain name is confusingly similar to its TE CONNECTIVITY marks and that the Respondent has no rights or legitimate interests in respect of the disputed domain name, which was registered and is being used in bad faith.

As to legitimacy, the Complainant contends that there has never been any relationship between the Complainant or its exclusive licensee and the Respondent that would give rise to any licence, sponsorship, permission or authorization for the Respondent to use or register the disputed domain name, nor to use the TE CONNECTIVITY marks for any purpose. The Respondent is not commonly known by the disputed domain name and cannot provide any evidence of its legitimate noncommercial or fair use. Instead, the Respondent uses the disputed domain name in an attempt to disrupt the businesses of the Complainant and its exclusive licensee and to divert users to the Respondent’s website or to third party website services purporting to offer competing/related goods for commercial gain.

As to bad faith, because the TE CONNECTIVITY marks are well known and because the Respondent has selected a domain name that is nearly identical to the spelling of the <teconnectivity.com> domain name of the Complainant’s exclusive licensee, it has intended to confuse consumers and/or drive traffic to its website at “www.teconnectivity.life”. Given the initial content of that website including the incorporation of the

Complainant's registered logo mark, it is implausible to believe that the Respondent was not aware of the Complainant and its TE CONNECTIVITY marks when it registered the disputed domain name. This is not the first (or even second) time Respondent has held registrations for other domain names that misappropriate well-known trademarks. In three prior decisions the UDRP panels have ordered the transfer of four domain names incorporating well-known trademarks away from the Respondent: <qlik-apps.life>, *QlikTech International AB v. 林藏 (Lin Zang)*, WIPO Case No. [D2024-2111](#); <qlikapps.life>, *QlikTech International AB v. 林藏 (Lin Zang)*, WIPO Case No. [D2024-1789](#); and <synopsys.team> and <synopsys.world>, *Synopsys, Inc. v. 林藏 (Lin Zang)*, WIPO Case No. D2023- 5253. It is certainly no coincidence that two of those domain names also included the ".life" extension, and that all four domains were registered with the same Registrar as in the current case, Name.com. This pattern of bad faith registrations of domain names incorporating well-known trademarks is alone sufficient to establish bad faith. See *Junghheinrich AG v. James White* (WIPO Case No. [D2018-1562](#)).

B. Respondent

The Respondent did not reply to the Complainant's contentions

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs this Panel to "decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable."

Paragraph 4(a) of the Policy requires that a complainant must prove each of the following three elements to obtain an order that a domain name should be cancelled or transferred:

- (i) the domain name registered by the respondent is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
- (ii) the respondent has no rights or legitimate interests in respect of the domain name; and
- (iii) the domain name has been registered and is being used in bad faith.

In view of the Respondent's failure to submit a Response, the Panel shall decide this administrative proceeding on the basis of the Complainant's undisputed representations pursuant to paragraphs 5(f), 14(a) and 15(a) of the Rules and draw such inferences as it considers appropriate pursuant to paragraph 14(b) of the Rules. The Panel is entitled to accept all reasonable allegations set forth in a complaint. However, the Panel may deny relief where a complaint contains mere conclusory or unsubstantiated arguments. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), at section 4.3.

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the TE CONNECTIVITY word mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy, since the ".life" gTLD may be ignored. [WIPO Overview 3.0](#), section 1.7.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name, namely:

(i) before any notice to the Respondent of the dispute, the use by the Respondent of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or

(ii) the Respondent (as an individual, business or other organization) has been commonly known by the domain name, even if the Respondent has acquired no trademark or service mark rights; or

(iii) the Respondent is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert customers or to tarnish the trademark or service mark at issue.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

As to paragraph 4(c)(i) of the Policy, the test for a bona fide offering of the trademark owner’s own goods and services is set out in *Oki Data Americas, Inc v. ASD, Inc.* WIPO Case No. [D2001-0903](#) (“Oki Data”), as follows:

(i) “Respondent must actually be offering the goods or services at issue [...].

(ii) Respondent must use the site to sell only the trademarked goods; otherwise, it could be using the trademark to bait Internet users and then switch them to other goods [...].

(iii) The site must accurately disclose the registrant’s relationship with the trademark owner; it may not, for example, falsely suggest that it is the trademark owner, or that the website is the official site, if, in fact, it is only one of many sales agents [...].

(iv) The Respondent must not try to corner the market in all domain names, thus depriving the trademark owner of reflecting its own mark in a domain name [...].”

There is no evidence that the Respondent’s website initially offered the Complainant’s genuine TE CONNECTIVITY products. Even assuming that it did, it clearly fails the third Oki Data requirement because the website did not disclose that the Respondent has no relationship with the Complainant. [WIPO Overview 3.0](#), section 2.8.1. As noted, the disputed domain name currently resolves to a parking website with pay-per-click links to products identical to and/or competitive with those of the Complainant. This fails both the second and third Oki Data requirements.

As to paragraphs 4(c)(ii) and (iii) of the Policy, there is no evidence that the Respondent is or has been commonly known by the disputed domain name, which was registered on September 26, 2023, many years after the registration of the Complainant's marks. It initially resolved to a website seeking to impersonate the Complainant by prominently displaying the Complainant's Ξ TE CONNECTIVITY design mark and seeking Internet users' personal information. It currently resolves to a parking website with pay-per-click links to products identical to and/or competitive with those of the Complainant.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith, including:

(iv) by using the domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other on-line location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or location or of a product or service on its website or location.

In the present case, the Panel is satisfied that the Respondent was fully aware of Complainant's TE CONNECTIVITY mark when Respondent registered the disputed domain name and that the Respondent initially used the disputed domain name in bad faith to phish for Internet users' personal information.

Further, the Respondent is currently using the disputed domain name in bad faith to attract, for commercial gain, Internet users to the website to which the domain name resolves, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of that website and of the goods promoted on that website. This demonstrates registration and use in bad faith to attract users for commercial gain under paragraph 4(b)(iv) of the Policy.

The Panel also notes that the Respondent has engaged in a pattern of such bad faith conduct, as evidenced by the decisions of previous panels cited by the Complainant.

The Panel finds that the Complainant has established the third element of the Policy.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <teconnectivity.life> be transferred to the Complainant.

/Alan L. Limbury/

Alan L. Limbury

Sole Panelist

Date: October 17, 2024.